07-06-06

10/083,245

Petition to Withdraw Abandonment Express Mail Label No.: ED 697531694 US

Date of Deposit: July 5, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Darrow et al.

Docket No.:

37737-003

Serial Number:

10/083,245

Examiners:

Truong, T. (old); Moore, S.

Filing Date:

February 25, 2002

Art Unit:

1624

Title:

Certain alkylene diamine-substituted pyrazolo[1,5-a]-1,5-pyrimidines and

pyrazolo[1,5-a]-1,3,5-triazines

Mail Stop Petition Director of Patents P. O. Box 1450 Alexandria, VA 22313-1450

Petition under 37 C.F.R. §1.181(a) to Withdraw Holding of Abandonment

- Applicants, expecting a Notice of Allowance, respectfully petition the Director under 37 C.F.R. §1.181(a) to withdraw a holding of abandonment in the above case, and assert that abandonment is due to error on the part of the U.S. Patent and Trademark Office for inaction by omitting mailing any paper according to MPEP §713.13 III, as shown by facts below.
- 2. After receiving the Office action dated October 12, 2005, Applicants submitted a Response on December 9, 2005, i.e., within two months, including a Terminal Disclaimer; subsequent telephonic conferences initiated by then Examiner Truong, resulted in mutual agreement, including that of the Assignee, for amending the claims, the Examiner concluding that she would issue an Examiner's amendment and a Notice of Allowance, facts showing Applicants' bona fide efforts to advance the application.
- Applicants expected prompt notification of the allowability of claims by a Notice of Allowability according to MPEP §713.13 III, however, no papers at all were received, including in the alternative an Advisory Action changing the status of the claims as required under MPEP §706.07(f) and §714.13.
- 4. Applicants genuinely believed that delay might be related to their facsimile of January 31, 2006, with permission of the Examiner, of a mark up of application 20030069246A1 as published, showing substantive errors in the application introduced in publication.

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5. Applicants thank Examiner Moore and Supervising Patent Examiner Dr. Berch, newly associated with this case, for their telephone calls of June 16, 2006 bringing the status of the application to Applicants' attention, and for the Interview Summary mailed with the Notice of Abandonment, and respectfully request that a non-final Office action be mailed to Applicants' representative.

Respectfully submitted,

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Dated: July 5, 2006